

# **TIVERTON TOWN COUNCIL AGENDA**

**Regular Meeting: Monday, March 14, 2011 at 7:00 p.m.**

**NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.**

**DATE POSTED: 03-10-2011**

## **1. PLEDGE OF ALLEGIANCE TO THE FLAG**

## **2. ROLL CALL**

**Jay Lambert-President David M. Nelson**

**Cecil E. Leonard-Vice President Brett N. Pelletier**

**Joan B. Chabot Edward Roderick**

**Robert D. Coulter**

## **3. APPROVAL OF CONSENT AGENDA**

**All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.**

**4. A. BUSINESS BROUGHT BEFORE THE COUNCIL**

**CONSENT AGENDA:**

**(C.A.) 1. a. No Minutes Available**

**(C.A.) 2. Receipt of Minutes from the Following Boards, Commissions**

**a. Recycling /Landfill Committee (5)**

**b. Municipal Buildings Feasibility Advisory Committee (2)**

**c. Budget Committee**

**d. Planning Board**

**(C.A.) 3. Correspondence – Receive and File**

**a. Received From DiSanto, Priest & Co. Invitation to Seminar for RI Government Officials on**

**Friday, March 25, 2011**

**b. Received From Mr. Roger Bennis Regarding Policy for Numbering Pages and Dating Revisions**

**for All New and/or Newly Revised Tiverton Documents**

**c. Received From Burrillville Town Council Resolutions**

**1. Support of Amendments to Title 17-11 Regarding Voting Districts and Officials**

**2. Support Title 17-18-10 Closing Time of Polling Locations Statewide to 8:00p.m.**

**3. Adopted a Resolution to Validate and Ratify Amendments to Their Home Rule Charter**

**d. Received Thank You Note From Donna Cook For Flowers Sent on Behalf of Town to Jack Cook**

**e. Claim Received From Bernard Estrella Regarding Potential Litigation – Referred to Town**

**Administrator and Town Solicitor**

**f. Received Ray & Eveline Ferreira Opposing “Pay as You Throw” Program**

**(C.A.) 4. Approval of Tax Assessor Abatements**

**(C.A.) 5. Approval of Petition for Verizon New England and Narragansett Electric for One**

**New Joint Pole (P.2448) and anchor guy on South Lake Road**

**a. Response From S. Berlucchi, DPW Director**

**b. Copy of Town Stipulations Required for Approval**

**(C.A.) 6. Approval of Petition for Verizon New England and Narragansett Electric for One**

**New Joint Pole (P.6) on Point view Drive**

**a. Response From S. Berlucchi, DPW Director**

**b. Copy of Town Stipulations Required for Approval**

**(C.A.) 7. Attorney Leary, Countryview Estates, LLC – Request Public Hearing for Zoning**

**Amendment to Article IV, Section 16 (b) (1) on April 25,  
2011– Manufactured Home Elderly  
Community**

**a. Planning Board Decision**

**(C.A.) 8. Atty William G. Camara – Requesting Relief From  
Moratorium for Block 3, Lot D, Judson Street**

**Referred to Town Solicitor and Hoffman Engineering**

**(C.A.) 9. Town Solicitor - Adoption of Resolution Supporting  
Legislative Amendments to Protect Rhode**

**Island's Cities and Towns and Their Public  
Officials/Employees**

**(C.A.)10. Maria Morais – Request Public Hearing on Amendment to  
Article V, Section 78-136**

**Handicap Parking at 338 Canonicus Street- Referred to  
Chief Blakey and DPW Director**

**Steve Berlucchi. Response From Chief Blakey and DPW  
Director**

**(C.A.) 11. Louis Cabral, Chairman Tiverton Municipal Building  
Facilities Advisory Committee**

**Authorization to Advertisement/Release of Attached RFP for  
Acquisition or Lease and**

**Redevelopment/Reuse of Nonquit School and Site**

**(C.A.) 12. DPW Director Steve Berlucchi – Request Authorization to Solicit Bids for Sewer Interceptor Erosion**

**Repairs to Protect the Town's Sewer Main Along the Abandoned Old Colony Railroad Right of Way**

**in North Tiverton - – Full Proposal and Contract Agreement Available in Clerk's Office**

**(C.A.) 13. Distribution of Status Update on Wind Energy Conversion Facilities Ordinance From Planning**

**Administrative Officer Kate Michaud**

**(C.A.) 14. Chris Spencer, Town Planner – Request Approval to Hire DiPrete Engineering for Subdivision and**

**Master Planning of the Industrial Park as Outlined in the Attached Request for Proposals**

**(C.A.) 15. Councilor Coulter – Adoption of Policy Governing Conduct and Other Internal Governance of Town**

**Council and Governance of Town Council Meetings-Continued from February 28th Meeting**

**(C.A.) 16. Distribution of Kate Michaud, Administrative Officer Activities Report for February 2011**

**\**

## **B –PUBLIC HEARING S & PUBLIC PRESENTATIONS**

**1. DPW Director Stephen Berlucchi – Public Input Hearing for RIPDES (Rhode Island Pollution Discharge Elimination System) Small MS4 2010 Annual Report Required by RIDEM**

**a. Solicitor Certification to RIDEM – RIPDES Permit**

**2. Town Administrator, Kate Michaud Planning Board Administrative Officer – Bliss Corners Road Safety Audit Team Presentation with Representatives From RIDOT and FHWA (Federal Hwy Administration)**

## **C- BOARD OF LICENSING COMMISSIONERS**

**1. Town Clerk – Annual Renewal of Liquor License Dec 1, 2010 to Nov 30, 2011 Subject to**

**Meeting All Legal Requirements – Receiver Attorney Vincent Integlia**

**Botelho, LLC d/b/a Buddy's Place, 79 Main Road – Continued From December 13, 2011**

**Request Continuance to April 25**

## **D - APPOINTMENTS & RESIGNATIONS:**

## **E - UNFINISHED BUSINESS:**

- 1. Councilor Nelson – Reconsideration of February 28th Proposal and Possible Adoption of a Resolution Creating a Working Group Focused on Economic and Community Growth**
- 2. Councilor Nelson – Discussion of Letter From Dr. Harvey Waxman, Focused on the R.I.G.H.T Tax System – Continued From February 14th**
- 3. Councilor Nelson – Continued From February 14th Meeting –**
  - a. Discuss Letter From Bruce Cox, Harbor and Coastal Waters Management Commission Dated January 21, 2011**
  - b. Coastal Resources Management Council Inter Office Memorandum Dated January 19, 2011**
  - c. Jackie Mei, Nanaquaket Neighborhood Association – Regarding Oyster Farm Application 2010-04-124 and CRMC Sub Committee Hearing on April 6, 2011**
- 4. Tax Assessor David Robert**
  - a. Discussion on Webpage Updating and Design – Continued from February 28th**
  - b. Seeking Town Council Direction for Tax Exemption Committee- Continued From February 28th**
- 5. Town Solicitor – Request to Schedule Public Hearing on April 25,**

**2011 for Amendments to Code – Continued From February 14th Meeting - Details on Amendments Previously Distributed**

**6. Peter Moniz, Proposed Amendment to Town Charter Regarding Appointing Position of Town**

**Treasurer – Continued From February 28th**

**F – FINANCIAL BUSINESS:**

**1. DPW Director, Steve Berlucchi- Request to Transfer Funds**

**a. \$13,427.45 from Acct. #554-794 (Paving) to Acct. #554-698 (Sand & Salt)**

**G - NEW BUSINESS:**

**1. Councilor Chabot – Discussion of Model Contract and Provide Direction to Town Administrator**

**2. Town Administrator – Request From Desiree Brunton for Council Support on Behalf of Sandywoods Farm,, Inc. to Pursue Art District Status by Amendment of the Existing Statute 44-18-30.B – Exemption From Sales tax for Sales by Writers, Composers, Artists**

**H – BIDS AND REQUESTS FOR PROPOSALS**



**1. Tiverton Wastewater Management – Request to Award Sewer Construction Contract for Shove Street Sewers to Lowest Bidder LAL Construction for \$188,870.00 – Contract and Specifications Available In Town Clerk's Office**

**I - TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**K – TOWN SOLICITOR – ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**1. Tiverton School Committee v. Town of Tiverton**

**2. O'Dell v. Town of Tiverton**

**a. Memo to Town Council**

**b. Motion Extension of Time (filed)**

**c. Answer (filed)**

**d. Entry of Default**

**3. Tiverton v. Pelletier**

**a. Memo to Town Council**

**b. Notice of Administrative Hearing**

## **5. CLOSED EXECUTIVE SESSION**

**1. Town Administrator - 42-46-5(a)(2) – Collective Bargaining –IAFF, IBPO and Teamsters**

**2. Town Solicitor - Litigation – 42-46-5(a) (2)**

**a. Tiverton School Committee v. Town of Tiverton**

**b. O'Dell v. Town of Tiverton**

**c. Tiverton v. Pelletier**

**A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended**

**6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”**